

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELENA NACARINO,
Plaintiff,

v.

CHOBANI, LLC,
Defendant.

Case No. [20-cv-07437-EMC](#) (AGT)

DISCOVERY ORDER

Re: Dkt. No. 99

1. Chobani has agreed to run additional ESI searches and to supplement its document production afterward. *See* Dkt. 99 at 3. Chobani must run the new searches and supplement its production by November 11, 2022.

2. Chobani has also agreed to amend its responses to ROGs 1–3 and to confirm that its response to ROG 6 is complete. *See id.* at 4. Chobani must do so by October 31, 2022. After Chobani supplements its document production (*see* no. 1, above), Chobani must also confirm that its responses to ROGs 18 and 19 are complete and amend if necessary.

3. Plaintiff hasn’t persuasively explained why her deposition needs to follow Chobani’s. Either deposition could conceivably go first. Plaintiff previously agreed to be deposed on December 9, 2022, and Chobani offered to sit for a 30(b)(6) on December 16, 2022. *See id.* at 3–5. Those dates are reasonable and will govern unless the parties agree to different dates or obtain the Court’s leave.

4. After the 30(b)(6) deposition, the parties must meet and confer to discuss additional fact-witness depositions. Chobani has indicated that it may object to additional depositions on the basis that they would be duplicative of the 30(b)(6). *See id.* at 5. The Court won’t prejudge that argument. If a dispute about additional depositions arises after the 30(b)(6), the parties may raise it.

5. Plaintiff has asked Chobani to designate thirteen more ESI custodians. The Court previously held that plaintiff “must be specific and explain why [any] additional custodians . . . will

1 plausibly yield responsive ESI.” Dkt. 82 at 3. Plaintiff hasn’t satisfied that standard here; she has
2 provided the Court with almost no information about the thirteen custodians she proposes. The Court
3 won’t order Chobani to designate additional custodians at this time, but plaintiff may attempt to
4 bolster her request by providing Chobani (and if necessary, the Court) with more detail.

5 **IT IS SO ORDERED.**

6 Dated: October 26, 2022

A handwritten signature in black ink, appearing to read 'Alex G. Tse', is written over a horizontal line.

ALEX G. TSE
United States Magistrate Judge